

REMARKS

Claims 1-20 are pending in the application. It is gratefully acknowledged that Claim 5 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1, 2, 9, 12, 14, 15 and 18 under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. (U.S. Patent 6,198,728) in view of Rumer et al. (U.S. Patent 5,883, 893). The Examiner has rejected Claims 3, 4, 6-8, 10, 11, 13, 16, 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. in view of Rumer et al., and further in view of Kubler et al. (U.S. Patent 6,389,010).

It is respectfully noted that the present Office Action was issued as a result of several telephone interviews between the Examiner, the Examiner's supervisor, and Applicants' Representative, Michael J. Musella, Esq. A brief summary of the transpiring events is provided herewith. A Response was filed on December 13, 2002, in response to an Office Action dated September 13, 2002. Contained in the December 13th Response was the position that the September 13th Office Action did not address several of the elements contained in independent Claims 9, 12 and 18. In reply to the December 13th Response, the Examiner issued the Office Action dated January 15, 2003, which the Examiner marked "Final". The Examiner presented several new arguments in the January 15th Office Action to reject the elements previously not addressed by the Examiner. The Examiner was contacted to contest his "Final" marking of the Office Action, as the Examiner raised new arguments without providing an opportunity to submit a response thereto. The Examiner's supervisor stated that the Examiner would review the art used to reject the claims in question, and if the non-addressed elements could not be found in the primary reference, that the Examiner will issue a new and non-final Office Action. The present, non-final March 11th Office Action is the result of the Examiner's review.

Regarding the rejection of Claim 12, the Examiner states that the combination of Hulyalkar et al. and Rumer et al. discloses the elements of the claim. Specifically, the Examiner states that Hulyalkar et al. discloses "assigning a packet voice channel upon generation of voice data" and "releasing the assigned packet voice channel when there is no voice data to be transmitted for a predetermined time period", and that Rumer et al. discloses "a packet voice channel is assigned to transmit newly generated voice data." Applicants respectfully disagree.

Both Hulyalkar et al. and Rumer et al. maintain the channel connections even during periods when there is no voice data to transmit, and merely disclose the handling of data, not the assigning-releasing-assigning of the channel itself as recited in the claim. Based on at least the foregoing argument, withdrawal of the rejection of Claim 12 is warranted.

With respect the rejections of independent Claims 1 and 14, the Examiner maintains that the combination of Hulyalkar et al. and Rumer et al. teaches all of the elements contained in the claims. The Examiner states that Rumer et al. discloses, “a voice packet...generated only upon activation of voice traffic” as recited in Claim 1, and “voice data generated...only upon activation of voice traffic” as recited in Claim 14. Applicants again respectfully disagree. Rumer et al. generates packets even during silent periods, i.e. periods when no phonetic noise is generated. Claims 1 and 14 have also been amended to further distinguish them from the cited references. Both Claim 1 and 14 have been amended to recite a W-PVCP layer for, among other things, requesting to assign a packet voice channel upon generation of voice traffic, entering an active state, and a physical layer for assigning the packet voice channel and transmitting the mapped packet frame to a station on the packet voice channel. Based on at least the foregoing argument and amendment, withdrawal of the rejections of Claims 1 and 14 is warranted.

Turning now to independent Claims 9 and 18, the Examiner states that the combination of Hulyalkar et al. and Rumer et al. discloses the elements of the claims. Claims 9 and 18 each recite a “W-PVCP layer calculates a synchronization delay by utilizing a time stamp included in a first voice packet received from said MAC layer, buffers the subsequent voice packets for a predetermined time period based on the synchronization delay, and transmits the buffered voice packets to a packet voice application.” Neither Hulyalkar et al. nor Rumer et al. discloses calculating a delay of packets...buffering the packets based on the delay...and transmitting the buffered packets as recited in the claims. Hulyalkar et al. merely refers to establishing a laxity queue based on a type of QoS parameter, and Rumer et al. merely discloses maintaining integrity of signaling. Based on at least the foregoing argument, withdrawal of the rejections of Claims 9 and 18 is warranted.

Finally, it is respectfully presented that Claims 10, 11, 19 and 20 have not been properly rejected in that the Examiner has not cited any art that teaches or discloses transmitting a dummy slot in place of the lost packet to the packet voice application as recited in the claims.

Withdrawal of the rejections of Claims 10, 11, 19 and 20 is respectfully requested.

Independent Claims 1, 9, 12, 14 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10, 11, 13, 15-17, 19 and 20, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10, 11, 13, 15-17, 19 and 20 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-20, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

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